

# STATE OF NEW YORK

6680

2019-2020 Regular Sessions

## IN SENATE

September 4, 2019

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the emergency tenant protection act of nineteen seventy-four, in relation to regulating buyouts within rent regulated apartments

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 4 of chapter 576 of the laws of 1974, constituting  
2 the emergency tenant protection act of nineteen seventy-four, is amended  
3 by adding a new section 10-c to read as follows:

4 § 10-c. Regulated buyouts for rent regulated apartments. a. For  
5 purposes of this section, the following terms shall have the following  
6 meanings:

7 (1) "Buyout agreement" shall mean an agreement wherein the owner of a  
8 dwelling unit exchanges money or other valuable consideration to induce  
9 any person lawfully entitled to occupancy of such unit to surrender or  
10 waive any rights in relation to such occupancy that results in the  
11 tenant vacating such unit.

12 (2) "Commissioner" shall mean the commissioner of the division of  
13 housing and community renewal and any successor thereto.

14 (3) "Division" shall mean the division of housing and community  
15 renewal and any successor thereto.

16 b. (1) If a landlord shall make a buyout offer to a current tenant in  
17 the form of a proposed buyout agreement, such agreement shall be made in  
18 writing and shall contain:

19 (a) his or her name and contact information;

20 (b) the date the request was made in writing;

21 (c) the amount of money being offered to the current tenant; and

22 (d) the reason for contacting the tenant;

23 (2) The landlord shall make it known to a tenant within any proposed  
24 buyout agreement that:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 (a) the tenant may reject any offer and may continue to occupy the  
2 dwelling unit; and

3 (b) the tenant may consult with an attorney regarding such agreement.

4 c. A proposed buyout offer shall be considered harassment against the  
5 current tenant if the landlord:

6 (1) provides false information in connection with a proposed buyout  
7 offer;

8 (2) contacts the tenant at their place of employment without obtaining  
9 such tenant's permission; or

10 (3) continues to contact the tenant within one hundred eighty days  
11 after the tenant has advised the landlord in writing that they do not  
12 want to be contacted further regarding any potential buyout offers.

13 d. After receiving a proposed buyout agreement from a landlord, a  
14 tenant shall have a minimum of ninety days from the time the proposed  
15 buyout was presented to the tenant, to accept or reject such agreement.  
16 The tenant and landlord shall not be able to execute a buyout agreement  
17 until such ninety day period has lapsed. The tenant shall use the ninety  
18 day period to understand their rights pertaining to such agreement and  
19 to seek out assistance from counsel if they desire.

20 e. Within ninety days after the execution of a buyout agreement for a  
21 dwelling unit, the landlord of such unit shall electronically provide to  
22 the division the following:

23 (1) his or her name;

24 (2) the address of the dwelling unit that is the subject of such  
25 buyout agreement;

26 (3) the amount of money or, if applicable, a description of other  
27 valuable consideration agreed upon as part of the buyout agreement. If  
28 such other valuable consideration included the dismissal of a pending  
29 action or proceeding, the caption, index number and county in which the  
30 pending action or proceeding was venued shall be required;

31 (4) the date such buyout agreement was executed; and

32 (5) the amount of time, in months, remaining in the lease for such  
33 subject dwelling unit. A tenant with a legal right to a lease renewal  
34 pursuant to state law shall be indicated as having an unlimited number  
35 of months remaining.

36 f. No later than January 31, 2021, and by January 31 of each year  
37 thereafter, the commissioner shall submit a report to the speaker of the  
38 assembly and temporary president of the senate that contains the total  
39 number of buyout agreements executed during the prior calendar year.  
40 Such report shall include, but not be limited to, the following for each  
41 census tract:

42 (1) The amount of money or other consideration agreed upon in each  
43 such agreement;

44 (2) The date that each such agreement was executed; and

45 (3) The amount of time, in months, remaining in the lease for the  
46 dwelling unit subject to such agreement. A tenant with a legal right to  
47 a lease renewal pursuant to state law shall be indicated as having an  
48 unlimited number of months remaining.

49 g. (1) A landlord who shall be required to provide information to the  
50 division and who fails to do so pursuant to paragraph e of this section  
51 shall be liable to a civil penalty of five hundred dollars, which shall  
52 be payable to the division.

53 (2) If a landlord is found guilty of harassment pursuant to subdivi-  
54 sion c of this section, has violated the ninety day required time period  
55 pursuant to subdivision d of this section or has violated the minimum  
56 legal standards set forth in this section on how a buyout shall be made,

1 they shall be liable to a penalty of one thousand dollars for each  
2 violation.

3 § 2. This act shall take effect July 1, 2020. Effective immediately,  
4 the addition, amendment, and/or repeal of any rule or regulation neces-  
5 sary for the implementation of this act on its effective date are  
6 authorized to be made and completed on or before such effective date.